

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Aiken County  
Maité Murphy, Circuit Court Judge

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Appellate Case No. 2017-0002053  
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**RECEIVED**

APR 16 2018

S.C. SUPREME COURT

RALPHAEL ROBERTSON,

Respondent,

v.

STATE OF SOUTH CAROLINA,

Petitioner.

\_\_\_\_\_  
**MOTION TO WITHDRAW APPEAL**  
\_\_\_\_\_

ALAN WILSON  
Attorney General

JULIE A. COLEMAN  
Assistant Attorney General  
S.C. Bar No. 102214

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737

ATTORNEY FOR PETITIONER

1. Raphael Robertson (“Robertson”) was confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. Robertson was true bill indicted by the April 2014 term of the Aiken County Grand Jury for two counts of Criminal Sexual Conduct with a Minor First Degree (2014-GS-02-00382, -00384), and two counts of Lewd Act Upon a Child (2014-GS-02-00385, -00386). Robertson proceeded to a jury trial and was convicted as indicted of all offenses. On July 17, 2014, Robertson was sentenced by the Honorable Eugene C. Griffith, Jr. to thirty years' imprisonment for both charges of CSC first degree, to run concurrently, and fifteen years' imprisonment for one charge of lewd act upon a child, to run concurrently, and ten years' imprisonment for the other charge of lewd act upon a child, to run consecutively.

A timely notice of appeal was filed on Robertson’s behalf, and the South Carolina Court of Appeals affirmed Robertson’s conviction. State v. Robertson, Unpublished Opinion No. 2016-UP-329 (S.C. Ct. App. June 29, 2016). The Remittitur was issued July 19, 2016. Robertson filed a timely application for post-conviction relief on August 22, 2016. The State filed its Return on December 16, 2016. An evidentiary hearing was held on January 26, 2017. Following the hearing, the Honorable Maité Murphy issued an Order Granting Application for Post-Conviction Relief filed March 27, 2017. The State filed a motion to reconsider, which was denied by order filed September 12, 2017. The State filed a timely Notice of Appeal on October 3, 2017. Robertson filed a Notice of Cross-Appeal on October 6, 2017.

2. On October 25, 2017, the State was informed and confirmed with the South Carolina Department of Corrections that Robertson was recently deceased. Petitioner communicated this to counsel for Respondent, and wrote a letter on October 26, 2018, to inform this Court of the change in circumstances.

3. After requesting and receiving a copy of Robertson's death certificate from the Department of Corrections, the State mailed the certificate to this Court for filing in a letter dated April 12, 2018. The certificate documents Robertson's death at 3:35 A.M. on October 21, 2017.
4. Accordingly, because the issue on appeal is now moot, the State respectfully moves to withdraw its appeal pursuant to Rule 260(c) SCACR.

Respectfully submitted,

ALAN WILSON  
Attorney General

JULIE A. COLEMAN  
Assistant Attorney General  
S.C. Bar No. 102214

By:   
ATTORNEY FOR PETITIONER

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April 16, 2018

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Aiken County  
Court of Common Pleas  
Maite Murphy, Circuit Court Judge

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RALPHAEL ROBERTSON,

RESPONDENT,

v.

THE STATE OF SOUTH CAROLINA,

PETITIONER.

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of the **Motion to Withdraw Appeal**, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Robert M. Dudek, Esquire  
South Carolina Commission on Indigent Defense  
Post Office Box 11589  
Columbia, South Carolina 29211

This 16<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Caroline Collins  
Administrative Coordinator



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APR 16 2018

S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

April 16, 2018

The Honorable Daniel E. Shearouse  
Clerk of the South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**RE: Raphael Robertson v. State of South Carolina**  
**Appellate Case No. 2017-002053**  
**Lower Court Case No. 2016-CP-02-1903**

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the **Motion to Withdraw Appeal** in the above mentioned case.

Sincerely,

Julie A. Coleman  
Assistant Attorney General  
SC Bar No. 102214

JAC/cc

cc: Robert M. Dudek, Esquire